

Barry I. Levy (BL 2190)
Matthew Litt (ML 4070)
Shapiro, Beilly, Rosenberg, Aronowitz, Levy & Fox, LLP
225 Broadway – 13th Floor
New York, New York 10007
(212) 267-9020

*Counsel for Defendant, New York Newspaper
Printing Pressman's Union Local No. 2*

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
DANIEL PAULINO,

Plaintiff,

-against-

Docket No.:
06-CV-00053 (GBD)(MHD)

THE NEW YORK PRINTING PRESSMEN'S UNION,
LOCAL TWO AND THE BOARD OF TRUSTEES
AND ROBERT COSTELLO, ADMINISTRATOR, OF
THE PRESSMEN'S PUBLISHERS' BENEFITS FUND

Defendants.

-----X

NOTICE OF MOTION TO DISMISS AND FOR SUMMARY JUDGMENT

PLEASE TAKE NOTICE that upon (a) the Statement of Uncontested Facts Pursuant to Local Civil Rule 56.1, (b) the Declarations of Robert Costello (and accompanying exhibits), John Heffernan (and accompanying exhibits), Joseph Vincent (and accompanying exhibits), Roger Carbo (and accompanying exhibits) and Michael Tortora (and accompanying exhibits), (c) the August 26, 2005 Affidavit of Daniel Paulino (and accompanying exhibits), (d) Defendant's Memorandum of Law submitted in Paulino I and dated August 1, 2005, September 23, 2005, October 31, 2005, and (e)

Defendant's Letter Memorandum dated February 17, 2006, Defendant, New York Newspaper Printing Pressmen's Union Local No. 2 (hereinafter referred to as "Local 2" or the "Union") will move before this Honorable Court at the United States District Court for the Southern District of New York, located at 40 Centre Street, New York, New York 10007 on Wednesday, March 15, 2006 at 9:30 in the forenoon of that day, or as soon thereafter as counsel can be heard, for an order dismissing the Complaint and granting Local 2 summary judgment pursuant to Rule 12(b)(6) and Rule 56, as well as imposing sanctions pursuant to 28 U.S.C. §1927.

PLEASE TAKE FURTHER NOTICE that opposing affidavits and memorandum of law must be served and filed on or before March 3, 2006.

Dated: New York, New York
February 17, 2006

Respectfully submitted,

SHAPIRO, BEILLY, ROSENBERG,
ARONOWITZ, LEVY & FOX, LLP

By: Barry I. Levy
Barry I. Levy (BL 2190)
225 Broadway, 13th Floor
New York, NY 10007
(212) 267-9020

*Counsel for Defendant, New York Newspaper
Printing Pressmen's Union Local No. 2*